

Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 /071 W

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FM AMCONSUL CAPE TOWN

TO SECSTATE WASHDC 6213

INFO AMCONSUL DURBAN

USMISSION GENEVA

AMCONSUL JOHANNESBURG

AMEMBASSY PRETORIA

USMISSION USUN NEW YORK

LIMITED OFFICIAL USE CAPE TOWN 0926

E.O. 11652: N/A

TAGS: PINS, PINT, SHUM, SF

SUBJECT: TRIAL OF CHURCHMEN FOR BANNED PUBLICATIONS CONCLUDED

REF: (A) CAPE TOWN 618, (B) CAPE TOWN 755,

BEGIN UNCLASSIFIED. SUMMARY: TRIAL OF A SECRETARY AND FOUR PRIESTS, MEMBERS OF THE MINISTERS FRATERNAL OF CAPE TOWN'S BLACK TOWNSHIPS ON VARIOUS CHARGES OF PRODUCTION, DISTRIBUTION AND POSSESSION OF "UNDESIRABLE" PUBLICATIONS WAS COMPLETED JUNE 7 IN CAPE TOWN REGIONAL COURT. JUDGEMENT TO BE GIVEN JULY 29. END SUMMARY.

1. AS REPORTED REFTELS, FOUR MEMBERS OF MINISTERS FRATERNAL AND A SECRETARY WERE CHARGED APRIL 25 WITH PRODUCTION OF "UNDESIRABLE" PUBLICATIONS UNDER THE PUBLICATIONS ACT OF 1974. ACCUSED ARE DAVID RUSSELL, ANGLICAN PRIEST; DOROTHY CLEMINSHAW, HIS SECRETARY; PATRICK MATOLENGWE, ANGLICAN SUFFRAGAN BISHOP OF CAPE TOWN; MOSES MOLETSANE, ANGLICAN PRIEST; AND RICHARD
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O'RIODAN, ROMAN CATHOLIC PRIEST.

THEY ARE ACCUSED OF PRODUCING TWO PAMPHLETS ENTITLED "THE MESSAGE FOR 1977 TO THOSE IN AUTHORITY" (CAPE TOWN A-03) AND "THE ROLE OF THE RIOT POLICE IN BURNINGS AND KILLINGS, NYANGA, CHRISTMAS, 1976" (CAPE TOWN A-07). ALL FIVE PLEADED NOT GUILTY AND STATE ACCEPTED PLEA OF MRS. CLEMINSHAW. ON CHARGE OF DISTRIBUTING THE PAMPHLETS, COURT ACCEPTED NOT GUILTY PLEAS OF BISHOP

MATOLENGWE AND REV. O'RIORDAN. ON CHARGE OF POSSESSION OF SUCH PAMPHLETS, REV. RUSSELL PLEADED GUILTY AND NOT GUILTY PLEAS OF OTHER FOUR WERE ACCEPTED.

2. PAMPHLETS IN QUESTION WERE BANNED, I.E., DECLARED "UNDESIRABLE," EARLIER THIS YEAR BY A PUBLICATIONS COMMITTEE ON GROUNDS THEY WERE (A) "PREJUDICIAL TO SAFETY OF STATE" AND (B) "HARMFUL TO RELATIONS" BETWEEN DIFFERENT SECTION OF THE COMMUNITY. DECISIONS OF SUCH COMMITTEE MAY NOT BE APPEALED IN COURT. DEFENSE ARGUED, THEREFORE, THAT STATE HAD NOT PROVED INTENT TO DO (A) AND (B) AND ALSO THAT SINCE THE COMMITTEE DECISION HOLDING THE PAMPHLETS UNDESIRABLE NECESSARILY CAME AFTER PRODUCTION OF THE DOCUMENTS A CONVICTION ON THE CHARGE OF OF PRODUCING UNDESIRABLE PUBLICATIONS WOULD BE EX POST FACTO. DEFENSE ARGUED THAT PUBLICATIONS ACT DOES NOT RPT NOT CONTAIN LANGUAGE REQUIRING RETROSPECTIVE APPLICATION. JUDGEMENT IN THE CASE TO BE RENDERED JULY 29. END UNCLASSIFIED.

3. BEGIN LIMITED OFFICIAL USE. ATTORNEYS FOR DEFENSE SAY THEY ARE "REASONABLY CONFIDENT" OF ULTIMATE ACQUITTAL, BELIEVING THERE IS GOOD CHANCE FOR REVERSAL ON APPEAR EVEN IF INITIAL DECISION SHOULD BE ADVERSE. WHILE LAW DOES PROVIDE FOR POSSIBILITY OF JAIL SENTENCE UP TO SIX MONTHS, ATTORNEYS BELIEVE PENALTY MOST LIKELY TO BE LIMITED TO FINE IN CASE OF GUILTY VERDICT. END LIMITED OFFICIAL USE. WHITE

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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